

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

NORA FERNÁNDEZ; AUGUSTO SCHREINER; EDDIE TORO VELEZ; VICTOR R. VELA DIEZ DE ANDINO; JUAN VIERA; GEORGINA VELEZ MONTES; and ESTHER SANTANA, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

UBS AG; UBS FINANCIAL SERVICES, INC.; UBS FINANCIAL SERVICES INCORPORATED OF PUERTO RICO; UBS TRUST COMPANY OF PUERTO RICO; UBS BANK USA; CARLOS V. UBIÑAS; MIGUEL A. FERRER; BANCO POPULAR de PUERTO RICO; and POPULAR SECURITIES, LLC,

Defendants.

Civil Case No. 14-1441-CCC

**JOINT MOTION FOR ORDER SETTING BRIEFING SCHEDULE  
AND EXTENDING TIME TO RESPOND TO COMPLAINT**

COME NOW the parties in this action and, through their respective undersigned counsel, respectfully state and request jointly as follows:

1. On August 13, 2012, the action now styled *In re UBS Financial Services, Inc. of Puerto Rico Securities Litigation*, Civil Case No. 12-1663-CCC (D.P.R.) (the “Securities Action”) commenced in this District.
2. On May 5, 2014, Plaintiffs filed a putative class action complaint in the United States District Court for the Southern District of New York, which Plaintiffs voluntarily dismissed on May 30, 2014.

3. On May 30, 2014, Plaintiffs in the above-captioned action (the “Fernández Action”)<sup>1</sup> also filed the Fernández Action in this District as related to the Securities Action.

4. On June 12, 2014, Plaintiffs, together with Plaintiffs in the Securities Action,<sup>2</sup> filed a joint motion requesting that the Court enter an Order: (i) consolidating the Fernández Action with the Securities Action; (ii) granting leave to file a master consolidated complaint; and (iii) adding the Fernández Plaintiffs to the plaintiffs’ leadership structure in the consolidated action (the “Plaintiffs’ Joint Motion”).

5. On June 17, 2014, Plaintiffs, together with the Securities Plaintiffs, filed a joint motion requesting a joint status conference in both actions.

6. Defendants in the Fernández Action and the Securities Action oppose the Plaintiffs’ Joint Motion and, in addition, Defendants in the Fernández Action intend to file a motion to transfer venue of the Fernández Action pursuant to 28 U.S.C. § 1404.

7. In view of the above, the parties, through their undersigned counsel, have agreed jointly to request that the Court enter an Order providing that:

- a. Defendants in the Fernández Action and the Securities Action shall file one consolidated brief in opposition to Plaintiffs’ Joint Motion on or before July 11, 2014.
- b. Defendants in the Fernández Action shall move to transfer venue in that action on or before July 11, 2014.
- c. Plaintiffs in the Fernández Action and the Securities Action shall file one

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<sup>1</sup> Plaintiffs in the Fernández Action include plaintiffs Nora Fernández, Augusto Schreiner, Eddie Toro-Vélez, Víctor R. Vela-Díez De Andino, Juan Viera, Georgina Vélez-Montes, and Esther Santana (collectively, the “Plaintiffs” or the “Fernández Plaintiffs”).

<sup>2</sup> Plaintiffs in the Securities Action include Court-appointed Lead Plaintiff, SDM Holdings Inc., and named plaintiffs Carmelo Román, Ricardo Román-Rivera, Onnasis Corporation, and Julio Tormes-Rodríguez (collectively, the “Securities Plaintiffs”).

consolidated brief in further support of Plaintiffs' Joint Motion and in opposition to Defendants' motion(s) to transfer venue in the Fernández Action, which shall not exceed twenty-five (25) pages, on or before August 8, 2014. If Defendants file more than one motion to transfer venue in the Fernández Action, the parties agree to negotiate in good faith to provide additional pages (in excess of the twenty-five (25) pages already agreed upon) for Plaintiffs' consolidated brief. If Defendants file more than one motion to transfer venue, the parties also agree to negotiate in good faith to extend the deadline for the filing of Plaintiffs' consolidated brief and to extend the deadline for the filing of the Defendants' reply briefs.

- d. Defendants in the Fernández Action shall file replies, if any, in further support of their motion(s) to transfer venue in the Fernández Action, which shall not exceed ten (10) pages, on or before August 18, 2014.
- e. The 14-day time period for which to seek relief from the Consolidation Order entered in the Securities Action on October 16, 2012, to the extent it is required, is extended so that it is consistent with the briefing schedule provided above for Plaintiffs' Joint Motion and Defendants' motion(s) to transfer venue, and Defendants will include any request for relief from the Consolidation Order, to the extent it applies, in their briefs addressed in this Stipulation.
- f. Defendants in the Fernández Action shall not be required to file any answer, motion to dismiss or other response to the Complaint in the Fernández Action until the later of: (i) 45 days after the Court issues a decision on Plaintiffs' Joint Motion and the motion(s) to transfer venue; or (ii) if leave is granted to file a

master consolidated complaint, 45 days after the filing of such complaint.

- g. All defenses, arguments and claims are expressly reserved and not waived by any of the parties.

8. The parties believe that this schedule will best conserve judicial and party resources, promote efficiency and permit the parties to submit papers that will fully set forth their respective arguments, which should assist the Court in ruling on the matters mentioned herein.

9. The parties have agreed that, unless the Court would prefer to hear from the parties sooner, the requested status conference should be scheduled to occur after the completion of briefing on the pending and contemplated motions discussed herein.

WHEREFORE, the parties jointly request that this Honorable Court grant the relief requested in this motion, including the schedule set forth in paragraph 7 above.

WE HEREBY CERTIFY that on this same date, this Joint Motion for Order Setting Briefing Schedule and Extending Time to Respond to the Complaint was served on counsel for all parties electronically via the CM/ECF system.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, on June 26, 2014.

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